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DEATH BY WRONGFUL ACT — STATUTORY LIABILITY IN GENERAL — SUIT BY FOREIGN ADMINISTRATOR. — An administrator appointed in New Jersey sued in a New York court under a statute of the latter state allowing recovery for death by wrongful act where the deceased leaves a husband or wife or next of kin. *Held*, that the administrator cannot sue without taking out ancillary letters of administration. *Cornell v. Ward*, 168 Fed. 51 (C. C. A., Second Circ.).

It is well settled that apart from statute an administrator or executor appointed in one state has no authority to sue in another. *Willard v. Hammond*, 21 N. H. 382. One reason for the rule is that the letters of administration have no extra-territorial force. See *Vaughn v. Barret*, 5 Vt. 333. But the policy of the rule is to protect foreign creditors of the deceased. See *Terrell v. Crane*, 55 Tex. 81. Thus where the claim cannot be made the subject of local administration, a foreign representative may sue. *Purple v. Whithed*, 49 Vt. 187. Under statutes similar to that in the principal case, the judgment recovered is not subject to the claims of creditors. *O'Connor v. Root*, 130 Ia. 553. And it is generally held that the foreign administrator may sue without having taken out ancillary letters, since he acts, not in his representative capacity, but as trustee for the beneficiaries. *Boulden v. Pennsylvania Railroad Co.*, 205 Pa. St. 264. This view, opposed to that of the principal case, seems clearly correct. But if the action under the statute is for the benefit of the estate, the foreign representative cannot sue. *Maysville St. Ry. & Transfer Co. v. Marvin*, 59 Fed. 91.

DOWER — ASSIGNMENT OF DOWER — TIME AS OF WHICH VALUE IS COMPUTED. — An owner of land died intestate in 1885; in 1907 the plaintiff, his widow, commenced action for assignment of dower. In the meantime the property had risen in value. *Held*, that the plaintiff is entitled to have land set off to her equal in value to one third of the whole at the time of assignment. *Williams v. Thomas*, [1909] 1 Ch. 713. See NOTES, p. 53.

EMINENT DOMAIN — COMPENSATION — INTEREST ON AWARD PENDING APPEAL. — The plaintiff condemner deposited the amount of the award at the defendant's disposal, and entered into possession of the condemned property. On appeal, the amount of the award was increased. The defendant demanded interest on the entire amount from the date of the first award. *Held*, that interest runs only on the excess of the second over the first award. *Matter of Water Commissioners of White Plains*, 195 N. Y. 502.

A condemnee ought at no time to be deprived of both property and compensation. Interest is the compensation allowed when he has lost his property and cannot yet get his money. Thus an increased verdict should bear interest on the whole amount from the date of the original award, if payment is delayed until final judgment. *Warren v. St. Paul, etc., Railroad Co.*, 21 Minn. 424. The same is true if a deposit is made, or security given, which is not at the condemnee's disposal. *Sioux City, etc., Railroad Co. v. Brown*, 13 Neb. 317. In both these cases there is an interval during which the condemner holds the property and the condemnee is without compensation. If, however, the amount of the original award is at the condemnee's disposal, it is his own fault if the sum lies idle, and interest should run only on the excess. *St. Louis, etc., Ry. Co. v. Fowler*, 113 Mo. 458, 473. *Contra*, *Neilson v. C. & N. W. Ry. Co.*, 91 Wis. 557. This rule protects both parties, giving the condemnee fair compensation, but permitting no profit from prolonged litigation.

EVIDENCE — PROOF OF FOREIGN LAW — APPLICATION OF LEX FORI. — The plaintiff brought an action to recover for personal injuries suffered in Cuba, through the defendant's negligence. *Held*, that in absence of proof of Cuban law, the law of the forum will be applied. *Cuba R. Co. v. Crosby*, 170 Fed. 369 (C. C. A., Third Circ.).

The court decides the case according to the common law of the forum, without